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Planning and Development Department  
**Nick P. Yovino**  
Director

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Please Reply to:  
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Marlene Murphey  
Fresno Redevelopment Agency  
2344 Tulare Street, Suite 200  
Fresno, Ca. 93721

Dear Ms. Murphey:

SUBJECT: HISTORICAL SUPPORT OF RESIDENTIAL USES IN INDUSTRIAL ZONE DISTRICTS

Our office offers the following brief history of the City's perspective of treatment of existing residential development, most specifically single family dwellings, located on property zoned for industrial uses.

With the adoption of the Zoning Ordinance and Official Zoning Maps in 1960, any existing residential building attained a nonconforming status with a twenty year amortization period. That is, the residential use must be either converted to a conforming use, (industrial) or removed. It could be maintained and repaired, including repairs required by law, but no structural repair that would extend the life of the building.

At that time, the Code included a provision that in the event a residential building was damaged, reconstruction may be authorized under specific conditions, but would not constitute the lengthening of the amortization period.

Twenty years later, in 1980, when the amortization period for a majority of the nonconforming residential buildings lapsed, it became evident that the removal of residential buildings from industrially zoned properties was untenable, as it would seriously crimp the available of housing, including affordable housing, for the City.

Since 1980, there has been a shift in policy direction which warranted a series of amendments to the text of the Zoning Ordinance that ameliorates that problem.

- The City no longer attempts to enforce the amortization period described in §12-317-A-4.
- TA-97-07, effective on October 30, 1997, established the current basic interpretation for the rebuilding of nonconforming residential buildings. It establishes some criteria to permit the reconstruction of nonconforming residential buildings in the residential, office and commercial zoned districts, and in the industrial zone districts when located within the boundary of an adopted redevelopment plan.
- TA-05-02, effective on January 27, 2006, established the ability for the City to relocate a single family dwelling unit that is designated as a Historic Resource, onto land that is zoned for industrial uses, if the site is within the boundaries of an adopted redevelopment plan. This was done in an effort to provide additional resources to help the City preserve and protect historic structures.
- TA-06-01, effective September 7, 2006, expanded the potential sites for the reconstruction of

nonconforming residential buildings located in industrial zone districts. In many instances, land that is zoned for industrial uses, is planned by the Fresno General, Community and Specific Plans, for residential uses. Rather than requiring the property owner to rezone the property to a consistent residential zone district, this text amendment provided the ability to reconstruct a nonconforming residential building when located on property zoned for industrial uses, but planned for residential uses, whether or not located within the boundaries of an adopted redevelopment plan.

- TA-06-02, effective December 31, 2006, referred to as "Variety Pak #3", has removed the criteria that in order to reconstruct a nonconforming residential building in an industrial zone district it must be located within the boundaries of an adopted redevelopment plan.

In summary, over the years, policy and code changes have removed the barriers for the maintenance and reconstruction of all nonconforming residential buildings, in the attempt to protect the supply of housing, especially affordable housing, for the City.

Sincerely,

PLANNING AND DEVELOPMENT DEPARTMENT

Nick P. Yovino  
Director